

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAMION D. WHITAKER,	)	
	)	
Plaintiff,	)	Civil Action No. 2:22-cv-38
	)	
v.	)	District Judge W. Scott Hardy
	)	Magistrate Judge Lisa Pupo Lenihan
SCI-FAYETTE, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**MEMORANDUM ORDER**

Plaintiff has filed a document titled “ORDER” that is dated August 3, 2022.<sup>1</sup> In this document, Plaintiff appears to ask that the Court grant his request for default against the defendants because they have failed to answer or otherwise respond to his complaint within a timely manner.

Plaintiff is hereby advised that his request for default against the defendants was denied on July 29, 2022. *See* ECF No. 73. While the Court ordered the US Marshal to serve the defendants by Order dated May 27, 2022, at ECF No. 55, Plaintiff was advised that there was no indication on the record that service had yet occurred. Indeed, upon further review, Plaintiff is additionally advised at this time that the only defendants that the US Marshal was ordered to serve in this case are the defendants that were named in Plaintiff’s First Amended Complaint at ECF No. 41. However, after service was ordered on those defendants, Plaintiff filed his Second

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<sup>1</sup> Plaintiff has repeatedly been instructed to cease filing documents titled “ORDER”. Plaintiff must file any request for relief from the Court in the form of a motion. That means that the title of his filings should start with the words “Motion for...” and then include whatever relief he is asking for from the Court.

Amended Complaint at ECF No. 67 wherein he named all new defendants except for one, George M. Little. Thus, all the defendants that were previously ordered to be served (the defendants named in the First Amended Complaint), except for George M. Little, are no longer defendants in this case, and, therefore, they do not owe any responsive pleading.

At this time, the Court has not ordered the US Marshal to serve the Second Amended Complaint on the new defendants because the Court is waiting for Plaintiff to file his Third Amended Complaint, which is due by September 1, 2022. *See* ECF No. 75. The Court is hopeful that Plaintiff's Third Amended Complaint will correct the issues that have plagued the Court since the start of this case in that it will be a complete document in and of itself and will include all the defendants that Plaintiff wishes to name in this case and set forth all of his claims that he wishes to bring. Once the Third Amended Complaint is filed then the Court will order service on the defendants named therein.

**AND NOW**, this 10th day of August, 2022;

**IT IS HEREBY ORDERED** that (ECF No. 77) Plaintiff's Motion to Grant ECF No. 70, which is his Request for Default, is **DENIED as moot** because ECF No. 70 was denied on July 29, 2022 at ECF No. 73.

/s/ Lisa Pupo Lenihan  
Lisa Pupo Lenihan  
United States Magistrate Judge

Cc: Damion D. Whitaker  
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